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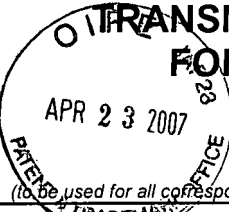
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Appeal Brief Under MPEP 1205.03(B); and
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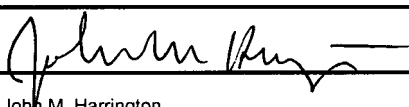
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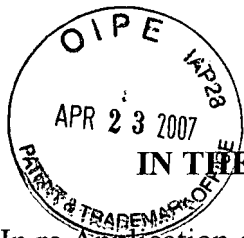
TRANSMITTAL FORM 	Application Number	09/728,471	
	Filing Date	Nov 30, 2000	
	First Named Inventor	Alan YOUNG	
	Art Unit	3627	
	Examiner Name	Jasmin, L.	
Total Number of Pages in This Submission	13	Attorney Docket Number	CIT10207

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm	Kilpatrick Stockton, LLP		
Signature			
Printed Name	John M. Harrington		
Date	April 23, 2007	Reg. No.	25,592

CERTIFICATE OF TRANSMISSION/MAILING			
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Application No.
Filed:
For:

YOUNG, Alan, et al.
09/728,471
November 30, 2000
**SYSTEM AND METHOD FOR
PERFORMING AN ELECTRONIC
TRANSACTION USING A
TRANSACTION PROXY WITH AN
ELECTRONIC WALLET**

Examiner:
Group Art Unit:

Jasmin, Lynda C.
3627

**REPLY TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF
UNDER MPEP 1205.03(B)**

Mail Stop Appeal Brief-Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Reply to the Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed March 21, 2007, in which the Examiner claimed that the Appeal Brief filed on November 17, 2006, was defective for failure to comply with one or more provisions of 37 CFR 41.37, namely:

“4. (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).”

and

“10. Pursuant to 37 CFR 41.37(C), the section entitled ‘Summary of claimed subject matter’ must contain a concise explanation of the subject matter defined in

each of the independent claims involved in the appeal The section, as currently written, simply recite the limitations in the claims without any explanation of the subject matter defined in each of the claims. Appropriate corrections are required...”

Regarding the Examiner’s claim that the section of the Appeal Brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters, as is readily apparent from a reading of the Appeal Brief, the Examiner’s statement that the Appeal Brief as currently written simply recites the limitations in the claims without any explanation of the subject matter defined in each of the claims is simply not true. On the contrary, the Appeal Brief as currently written separately maps each and every element of each and every independent claim to the specification by page and line number and to the drawings in full compliance with 37 CFR 41.37(c)(1)(v).

Nevertheless, in keeping with the mandate of MPEP 1205.03, this Reply To Notification Of Non-Compliant Appeal Brief is filed under MPEP 1205.03(B) as a ‘paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v)’ in lieu of ‘an entire new brief’ under MPEP 1205.03(B).

It is not believed that any additional fees are due, but if so, please charge any deficiency to Deposit Account No. 50-1458.

(5) Summary of Claimed Subject Matter

Independent claim 1 proposes a method of operating a computer system for data management of an electronic transaction that involves receiving in a transaction portal server via a wireless communication switching facility coupled to the transaction portal server over a global network a unique product and merchant identifying code entered by a customer on a wireless communication device coupled to the wireless communication switching facility and identifying a product and a merchant associated with the product and merchant identifying code by the transaction portal server from a database of the transaction portal server storing product and merchant identifying code data for a plurality of merchants (See, e.g., Specification, p. 9, lines 1-18; p. 13, line 26-p. 15, line 22 and Figs. 1-3). By way of

explanation, referring to FIG. 1, according to embodiments of the invention, an individual 5 is furnished an electronic communications device 10, such as a mobile telephone 10, that is interface enabled in that it includes the hardware, communications software, and browser software needed to access, receive, and browse content from the Internet, which mobile telephone 10 includes a display screen for displaying content from the Internet. The mobile telephone 10 is in communication with a wireless gateway 12 that includes, e.g., a mobile switching center and communication facilities allowing the gateway to communicate via a computer network, such as the Internet. The wireless gateway 12 is in communication via the Internet with a transaction portal server 14 which includes, e.g., files (software) comprising an electronic transaction portal 15 (See, e.g., Specification, p. 9, lines 1-18 and Figs. 1-3).

By way of further explanation, in embodiments of the invention, a product code is associated with at least some of the products offered for purchase by the merchant 42, e.g., beside a picture of a product in a catalog or on web pages. Examples of product codes include unique identifying numbers for each product or short-hand descriptions or brand names of products, alphanumeric codes, or other identifiers. Embodiments of the invention provide additional digits to the front end of a conventional code, e.g., in order to identify the specific merchant, so that the portal 17 can route the information to the specific merchant. Using an example of a consumer viewing a coat in a retail store, assume a product code of 11290529 is displayed next to the coat. The digits 112 indicate the particular merchant operating the retail store and associated with the merchant server 20 and the digits 90529 indicate a particular product, such as the coat. The consumer wishing to purchase the coat, activates the consumer's mobile telephone and accesses the transaction portal 15 present in the transaction portal server 24 via the mobile network by clicking on (or activating) an icon on the display screen of the mobile telephone associated with the portal 15. The consumer views content from the portal 15 on a display screen of the mobile telephone and is prompted to provide a product code of interest, in response to which the consumer enters product code data consisting of the product code, 11290529. The entered product code is transmitted by the mobile telephone 10 via the mobile network 30 to the transaction portal server 24, which

determines the merchant associated with the product code received 45, e.g., by accessing a database in the transaction portal server storing merchant identifying information correlated with product codes. (See, e.g., Specification, p. 13, line 26-p. 15, line 22 and Figs. 1-3).

Independent claim 1 further proposes retrieving product information data by the transaction portal server from a product database of a merchant server coupled to the transaction portal server over the global network and displaying the product information data by the transaction portal server on a display screen of the wireless communication device for the customer (See, e.g., Specification, p. 15, line 23-p. 16, line 10; and Figs. 1-3). By way of explanation, referring to FIG. 3 for embodiments of the invention, once the portal determines the merchant associated with the product code received 45, the portal 15 accesses a product data database at a web server of the merchant 20 via the Internet 46, which database contains information (e.g., a short description of the product, such as 'winter coat', a brand name of the product, a size, and a color) about the product associated with the 1129 product code, and the portal 15 retrieves that information from the database and sends the product data via the mobile network 30 to the mobile telephone 48, which displays the product data on the display screen of the mobile telephone for viewing by the consumer (See, e.g., Specification, p. 15, line 23-p. 16, line 10 and Figs. 1-3).

Independent claim 1 additionally proposes receiving by the transaction portal server the customer's indication to purchase the product entered by the customer on the wireless communication device and retrieving default payment method information for the customer by the transaction portal server from an electronic wallet server (See, e.g., Specification, p. 16, line 10-p. 17, line 7; and Figs. 1-3). By way of explanation, in embodiments of the invention, the consumer provides a signal to the portal using the mobile telephone indicating that the consumer wishes to purchase the indicated product, e.g., by pressing "1" on the consumer's mobile telephone in response to the display of the product data, and the mobile telephone 10 sends the purchase indication to the portal 15 via the mobile network 30. The portal 15 receives the purchase indication from the mobile telephone 10, and accesses an electronic wallet 17 of the mobile telephone user 52, which electronic wallet is located, e.g., on the transaction portal server. The purchase indication includes, e.g., identifying data for

the electronic wallet 17 that allows the portal 15 to access the wallet 17 (e.g., IP address, user name, and password), which includes, e.g., payment data related to the user 5 previously entered by the user, such as a preferred method of payment comprising a credit card type, number, and expiration date for the user 5, and also contains shipping detail data (a shipping address), as well as user-identifying information (e.g., name and e-mail address) (See, e.g., Specification, p. 16, line 10-p. 17, line 7 and Figs. 1-3).

In addition, independent claim 1 proposes displaying the default payment information by the transaction portal server on the display screen of the wireless communication device for the customer and receiving payment option data comprising information describing a desired means of payment for the product by the transaction portal server entered by the customer on the wireless communications device (See, e.g., Specification, p. 17, line 7-p. 18, line 1; and Figs. 1-3). By way of explanation, in embodiments of the invention, the payment data from the wallet is displayed to the user 5 on the mobile telephone display, whereupon the user may select the information shown as correct (the shipping address and payment method) or may alter it to provide different shipping detail data and different method of payment selection. In addition, the wallet may contain previously-entered information related to various payment options (e.g., various credit card numbers and related information, and various debit card numbers and related information), and the user may choose from any one of the shown options, or enter a new method of payment. The shipping detail data and payment option data comprising data reflecting desired means of payment is sent from the mobile telephone 10 via the mobile network 30 to the portal 15, which receives the shipping detail data and payment option data reflecting the desired means of payment (credit card) from the mobile telephone 54, 56 (See, e.g., Specification, p. 17, line 7-p. 18, line 1; and Figs. 1-3).

Independent claim 1 also proposes transmitting payment authorization data to a payment processor by the transaction portal server and receiving a payment authorization by the transaction portal server from the payment processor (See, e.g., Specification, p. 18, lines 1-10; and Figs. 1-3). By way of explanation, according to embodiments of the invention, the portal 15 transmits payment authorization to a payment processor, such as the issuer of the

credit card reflected in the payment option data, which payment authorization includes data identifying the user (e.g., the name from the electronic wallet), data identifying the merchant from which the product is being purchased, and data relating to the product purchased (e.g., a purchase price and an identifier). The payment processor 18 receives the data and provides authorization to the portal 15 (See, e.g., Specification, p. 18, lines 1-10; and Figs. 1-3).

Further, independent claim 1 proposes transmitting order information to a check-out application of the merchant server by the transaction portal server and causing the electronic wallet server to complete payment and shipping information fields in an order fulfillment database of the merchant server by the transaction portal server (See, e.g., Specification, p. 18, lines 11-24; and Figs. 1-3). By way of explanation, according to embodiments of the invention, the portal 15 transmits order information to the merchant 20, e.g., to the check-out application (software) residing on the merchant's web site. The portal 15 causes the wallet 17 to automatically complete the fields in the merchant's order fulfillment database. Order information includes purchaser identification (e.g., name, address, e-mail address), product identification (e.g., product code), shipping instructions (e.g., shipping address), the authorization from the issuer, and payment option data comprising description of the means of payment (e.g., credit card number, type, and expiration date) 60. The payment option data sent to the check-out application comprises information from the electronic wallet of the mobile telephone user 5. The electronic wallet of the user residing on the portal transmits the order information to the merchant 20 (See, e.g., Specification, p. 18, lines 11-24; and Figs. 1-3).

Independent claim 1 further proposes receiving by the transaction portal server order confirmation information from the merchant server and displaying the order confirmation information by the transaction portal server on the display screen of the wireless communication device for the customer (See, e.g., Specification, p. 18, lines 25-29; and Figs. 1-3). By way of explanation, in embodiments of the invention, the merchant 20 provides an order confirmation to the purchaser 62. The merchant provides a confirmation page showing a order identification number to the portal 15, which provides the page to the mobile telephone 10. (See, e.g., Specification, p. 18, lines 25-29; and Figs. 1-3).

Independent claim 46 proposes a computer system for data management of an electronic transaction involving a transaction portal server pre-programmed for receiving via a wireless communication switching facility coupled to the transaction portal server over a global network a unique product and merchant identifying code entered by a customer on a wireless communications device coupled to the wireless communication switching facility and for identifying a product and a merchant associated with the product and merchant identifying code from a database of the transaction portal server storing product and merchant identifying code data for a plurality of merchants (See, e.g., Specification, p. 9, lines 1-18; p. 13, line 26-p. 15, line 22; and Figs. 1-3). As previously explained with reference to claim 1, by way of explanation, referring to FIG. 1 for embodiments of the invention, an individual 5 is furnished an electronic communications device 10, such as a mobile telephone 10, that is interface enabled in that it includes the hardware, communications software, and browser software needed to access, receive, and browse content from the Internet, which mobile telephone 10 includes a display screen for displaying content from the Internet. The mobile telephone 10 is in communication with a wireless gateway 12 which includes, e.g., a mobile switching center and communication facilities allowing the gateway to communicate via a computer network, such as the Internet. The wireless gateway 12 is in communication via the Internet with a transaction portal server 14 which includes, e.g., files (software) comprising an electronic transaction portal 15 (See, e.g., Specification, p. 9, lines 1-18 and Figs. 1-3).

As also previously explained with reference to claim 1, by way of further explanation, in embodiments of the invention, a product code is shown in association with at least some of the products offered for purchase by the merchant 42, e.g., beside a picture of a product in a catalog or on web pages. Examples of product codes include unique identifying numbers for each product or short-hand descriptions or brand names of products, alphanumeric codes, or other identifiers. Embodiments of the invention provide additional digits to the front end of a conventional code, e.g., in order to identify the specific merchant, so that the portal 17 can route the information to the specific merchant. Using an example of a consumer viewing a coat in a retail store, assume a product code of 11290529 is displayed next to the coat. The

digits 112 indicate the particular merchant operating the retail store and associated with the merchant server 20 and the digits 90529 indicate a particular product which is the coat. The consumer wishing to purchase the coat, activates the consumer's mobile telephone and accesses the transaction portal 15 present in the transaction portal server 24 via the mobile network by clicking on (or activating) an icon on the display screen of the mobile telephone associated with the portal 15. The consumer views content from the portal 15 on a display screen of the mobile telephone and is prompted to provide a product code of interest, in response to which the consumer enters product code data consisting of the product code, 11290529. The entered product code is transmitted by the mobile telephone 10 via the mobile network 30 to the transaction portal server 24, which determines the merchant associated with the product code received 45, e.g., by accessing a database in the transaction portal server storing merchant identifying information correlated with product codes. (See, e.g., Specification, p. 13, line 26-p. 15, line 22 and Figs. 1-3).

Independent claim 46 also proposes that the transaction portal server is further pre-programmed for retrieving product information data from a product database of a merchant server coupled to the transaction portal server over the global network and for displaying the product information on a display screen of the wireless communications device for the customer (See, e.g., Specification, p. 15, line 23-p. 16, line 10; and Figs. 1-3). As likewise previously explained with reference to claim 1, by way of explanation, referring to FIG. 3 for embodiments of the invention, once the portal determines the merchant associated with the product code received 45, the portal 15 accesses a product data database at a web server of the merchant 20 via the Internet 46, which database contains information (e.g., a short description of the product, such as 'winter coat', a brand name of the product, a size, and a color) about the product associated with the 1129 product code, and the portal 15 retrieves that information from the database and sends the product data via the mobile network 30 to the mobile telephone 48, which displays the product data on the display screen of the mobile telephone for viewing by the consumer (See, e.g., Specification, p. 15, line 23-p. 16, line 10 and Figs. 1-3).

Independent claim 46 also proposes that the transaction portal server is further pre-programmed for receiving the customer's indication to purchase the product entered by the customer on the wireless communication device and for retrieving default payment method information for the customer from an electronic wallet server (See, e.g., Specification, p. 16, line 10-p. 17, line 7; and Figs. 1-3). As also previously explained with reference to claim 1, by way of explanation, in embodiments of the invention, the consumer provides a signal to the portal using the mobile telephone indicating that the consumer wishes to purchase the indicated product, e.g., by pressing "1" on the consumer's mobile telephone in response to the display of the product data, and the mobile telephone 10 sends the purchase indication to the portal 15 via the mobile network 30. The portal 15 receives the purchase indication from the mobile telephone 10, and accesses an electronic wallet 17 of the mobile telephone user 52, which electronic wallet is located, e.g., on the transaction portal server. The purchase indication includes, e.g., identifying data for the electronic wallet 17 that allows the portal 15 to access the wallet 17 (e.g., IP address, user name, and password), which includes, e.g., payment data related to the user 5 previously entered by the user, such as a preferred method of payment comprising a credit card type, number, and expiration date for the user 5, and also contains shipping detail data (a shipping address), as well as user-identifying information (e.g., name and e-mail address) (See, e.g., Specification, p. 16, line 10-p. 17, line 7 and Figs. 1-3).

Independent claim 46 also proposes that the transaction portal server is further pre-programmed for displaying the default payment information on the display screen of the wireless communication device for the customer and for receiving payment option data comprising information describing a desired means of payment for the product entered by the customer on the wireless communications device (See, e.g., Specification, p. 17, line 7-p. 18, line 1; and Figs. 1-3). As further previously explained with reference to claim 1, by way of explanation, in embodiments of the invention, the payment data from the wallet is displayed to the user 5 on the mobile telephone display, whereupon the user may select the information shown as correct (the shipping address and payment method) or may alter it to provide different shipping detail data and different method of payment selection. In addition,

the wallet may contain previously-entered information related to various payment options (e.g., various credit card numbers and related information, and various debit card numbers and related information), and the user may choose from any one of the shown options, or enter a new method of payment. The shipping detail data and payment option data comprising data reflecting desired means of payment is sent from the mobile telephone 10 via the mobile network 30 to the portal 15, which receives the shipping detail data and payment option data reflecting the desired means of payment (credit card) from the mobile telephone 54, 56 (See, e.g., Specification, p. 17, line 7-p. 18, line 1; and Figs. 1-3).

Independent claim 46 also proposes that the transaction portal server is further pre-programmed for transmitting payment authorization to a payment processor and for receiving a payment authorization from the payment processor (See, e.g., Specification, p. 18, lines 1-10; and Figs. 1-3). As explained with reference to claim 1, by way of explanation, according to embodiments of the invention, the portal 15 transmits payment authorization to a payment processor, such as the issuer of the credit card reflected in the payment option data, which payment authorization includes data identifying the user (e.g., the name from the electronic wallet), data identifying the merchant from which the product is being purchased, and data relating to the product purchased (e.g., a purchase price and an identifier). The payment processor 18 receives the data and provides authorization to the portal 15 (See, e.g., Specification, p. 18, lines 1-10; and Figs. 1-3).

Independent claim 46 also proposes that the transaction portal server is further pre-programmed for transmitting order information to a check-out application of the merchant server and causing the electronic wallet server to complete payment and shipping information fields in an order fulfillment database of the merchant server (See, e.g., Specification, p. 18, lines 11-24; and Figs. 1-3). As also previously explained with reference to claim 1, by way of explanation, according to embodiments of the invention, the portal 15 transmits order information to the merchant 20, e.g., to the check-out application (software) residing on the merchant's web site. The portal 15 causes the wallet 17 to automatically complete the fields in the merchant's order fulfillment database. Order information includes purchaser identification (e.g., name, address, e-mail address), product identification (e.g.,

product code), shipping instructions (e.g., shipping address), the authorization from the issuer, and payment option data comprising description of the means of payment (e.g., credit card number, type, and expiration date) 60. The payment option data sent to the check-out application comprises information from the electronic wallet of the mobile telephone user 5. The electronic wallet of the user residing on the portal transmits the order information to the merchant 20 (See, e.g., Specification, p. 18, lines 11-24; and Figs. 1-3).

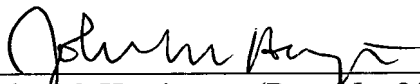
Independent claim 46 also proposes that the transaction portal server is further pre-programmed for receiving order confirmation information from the merchant server and displaying the order confirmation information on the display screen of the wireless communication device for the customer (See, e.g., Specification, p. 18, lines 25-29; and Figs. 1-3). As likewise previously explained with reference to claim 1, by way of explanation, in embodiments of the invention, the merchant 20 provides an order confirmation to the purchaser 62. The merchant provides a confirmation page showing a order identification number to the portal 15, which provides the page to the mobile telephone 10. (See, e.g., Specification, p. 18, lines 25-29; and Figs. 1-3).

CONCLUSION

This Reply To Notification Of Non-Compliant Appeal Brief is filed as a 'paper providing a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v)' in lieu of 'an entire new brief' under MPEP 1205.03(B).

Respectfully submitted,

Date: 4/23/07

By: 
John M. Harrington (Reg. No. 25,592)
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